

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JOE CROFT,

Petitioner,

v.

CIVIL ACTION NO. 2:04-cv-00832  
(Criminal No. 2:03-cr-00042-02)

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM OPINION AND ORDER**

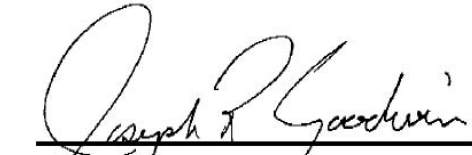
This action originated from the filing of a letter by the petitioner on August 6, 2004. The matter was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact wherein she recommends that the court 1) find that the petitioner has failed to prosecute this matter and 2) dismiss this civil action.

Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The court **FINDS** that the petitioner has failed to prosecute this matter, and, accordingly, **DISMISSES** this action from the docket.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER:        October 3, 2005

---

JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE